

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ESTATE OF ROGER D.

OWENSBY JR., et al.,

Plaintiffs,

vs.

CITY OF CINCINNATI,

et al.,

Defendants.

Case No. 01-CV-769
(Judge S. A. Spiegel)

Deposition of ROBERT B. HEILAND JR.,

defendant herein, called by the plaintiffs for

cross-examination, pursuant to the Federal Rules of

Civil Procedure, taken before me, Wendy Davies

Welsh, a Registered Diplomate Reporter and Notary

Public in and for the State of Ohio, at the offices

of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &

Walnut Centre, 105 East Fourth Street, Cincinnati,

Ohio, on Wednesday, December 3, 2003, at 10:10 AM.

COPY

10:32:39 1 around the front of the cruiser. And by the time I
10:32:42 2 got to the front corner, the passenger's side, I saw
10:32:48 3 a Huntington Meadows security guy waiving me down
10:32:53 4 like everything was okay, slow down.

10:32:55 5 Q. That's what you understood it to mean?

10:32:57 6 A. That's what I understood it to mean.

10:33:00 7 Q. Okay.

10:33:00 8 A. So I stopped at the front of my cruiser
10:33:03 9 and I saw some distance away the rear passenger's
10:33:15 10 side of a car, two police officers, and who I now
10:33:21 11 know to be Roger Owensby laying on the ground.

10:33:25 12 Q. Okay. Go ahead.

10:33:27 13 A. Did I answer your question?

10:33:28 14 Q. No. When you said two police officers,
10:33:31 15 and then you said Owensby, I thought obviously he
10:33:35 16 was not one of the police officers. Okay.

10:33:38 17 A. He appeared to be handcuffed, to me. And
10:33:43 18 there was one on each side of him.

10:33:45 19 Q. Can you clarify that for a second? He
10:33:47 20 appeared to be handcuffed? When you say "to me,"
10:33:52 21 you mean it appeared to you that he was handcuffed?

10:33:56 22 A. It appeared to me --

10:33:57 23 Q. That he was handcuffed?

10:33:58 24 A. -- that he was handcuff.